

## **REMARKS**

### **Status of the Claims**

Prior to entry of this Amendment, claims 8-23 were pending in this application. Claim 23 has been canceled (claims 1-7 were previously canceled), and claims 17-22 have been withdrawn. No new claims have been added. Therefore, claims 8-16 are now pending for examination in this application

### **Election/Restriction**

The Office Action has required restriction of the claims under 35 U.S.C. § 121 to one of two inventions. More specifically, the Office Action has restricted the claims to two inventions or groups in which claims 8-22 are identified as invention I, while claim 23 is identified as invention II. If invention I is elected, the Office action has required the election of species A (claims 8-16) or species B (claims 17-22).

Applicants hereby elect to prosecute the claims of group I, species A, without traverse. Applicants reserve the right to present the non-elected claims in a subsequent divisional application, or rejoin them in this application as appropriate. Thus, Applicants hereby cancel the claim of group II (claim 23), withdraw the claims of group I, species B (claims 17-22), and request consideration and examination of the claims of group I, species A (claims 8-16).

## **CONCLUSION**

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

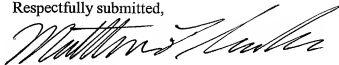
If the Examiner believes a telephone conference would expedite prosecution of

Appl. No. 10/823,353  
Amdt. dated October 31, 2008  
Reply to Office Action of October 1, 2008

PATENT

this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew T. Sarles", written in a cursive style.

Matthew T. Sarles  
Reg. No. 58,696

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
MTS:cmb  
61656247 v1